

**CALENDAR ITEM
C31**

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04/23/15
PRC 2289.1
M. Schroeder

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

NASUS Partnership, a California Limited Partnership

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3650 North Lake Boulevard, near Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing open pile pier, a rock crib pier with breakwater, two seasonal floating boat docks, and one mooring buoy.

LEASE TERM:

10 years, beginning May 24, 2010.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$3,491 per year to \$1,567 per year, effective May 24, 2015.

PROPOSED AMENDMENT:

Amend the lease to replace the existing Section 3, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the upland adjoining the lease premises.
2. On June 23, 2011, the Commission authorized a General Lease – Recreational Use to NASUS Partnership, a California Limited Partnership, for a term of 10 years. The Lease will expire on May 23, 2020.

CALENDAR ITEM NO. **C31** (CONT'D)

3. Staff conducted the rent review called for in the lease. Staff recommends the rent be reduced due to changes in the calculation of the impact area surrounding the pier.
4. The staff recommends that the Commission find that the subject approval of lease amendment and revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c) (3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject approval of lease amendment and revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060 subdivision (c) (3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 2289.1, a General Lease – Recreational Use, effective May 24, 2015, to replace the existing Section 3, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.
2. Approve the revision of rent for Lease No. PRC 2289.1 from \$3,491 per year to \$1,567 per year, effective May 24, 2015.

EXHIBIT A

PRC 2289.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 fractional Section 28, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865 County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying one (1) existing pier, and one (1) catwalk lying adjacent to those parcels as described in that Grant Deed recorded May 24, 2010 in Document 2010-0038728 of Official Records of said County.

PARCEL 2 – PIER

All those lands underlying one (1) existing pier, two (2) floating docks and one (1) breakwater lying adjacent to those parcels as described in that Grant Deed recorded May 24, 2010 in Document 2010-0038728 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 3 – 1 BUOY

One (1) circular parcel of land, being 50 feet in diameter, underlying one (1) existing buoy lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared August 6, 2014 by the
California State Lands Commission Boundary Unit.



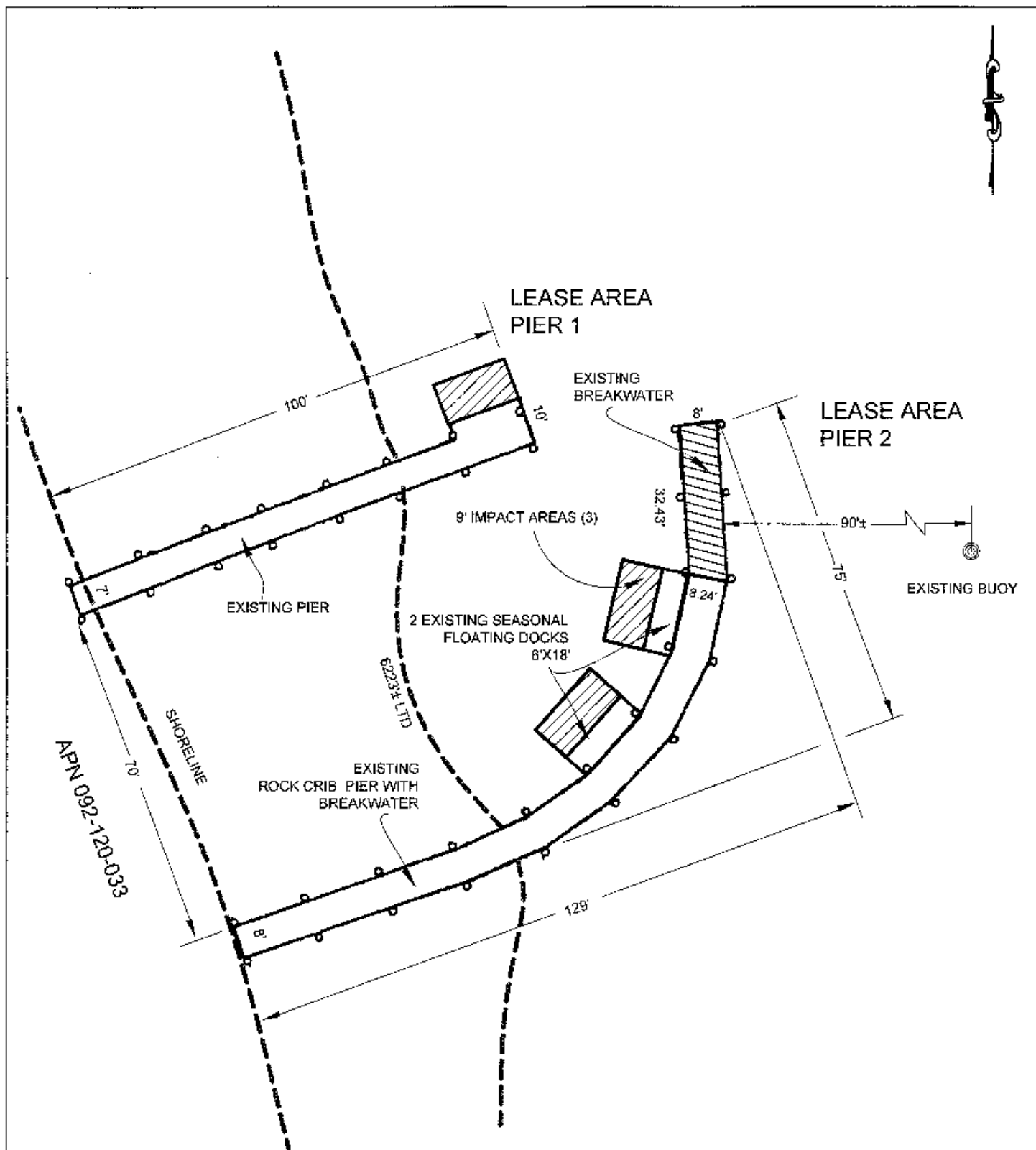


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 2289.1, NASUS PARTNERSHIP
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



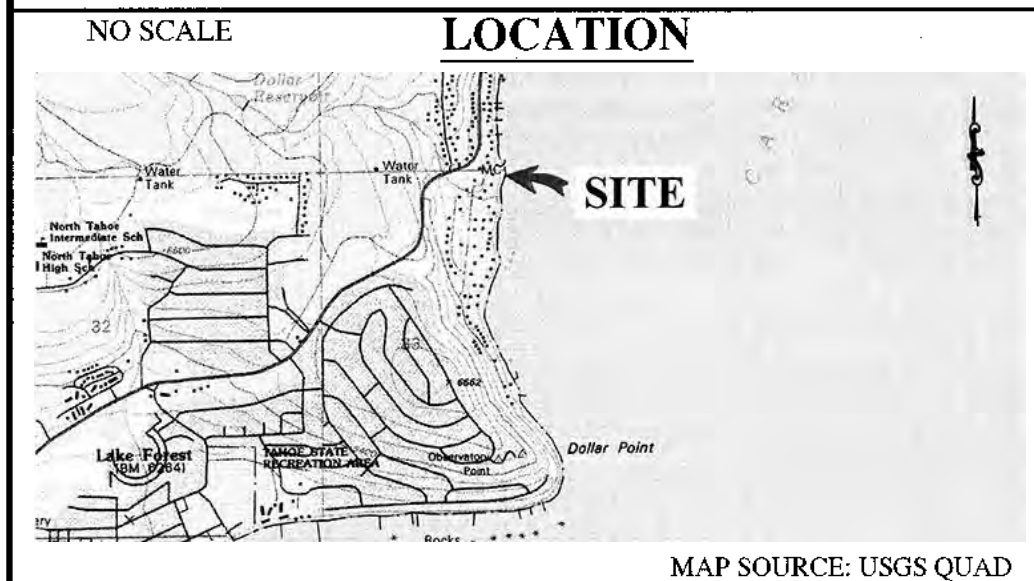
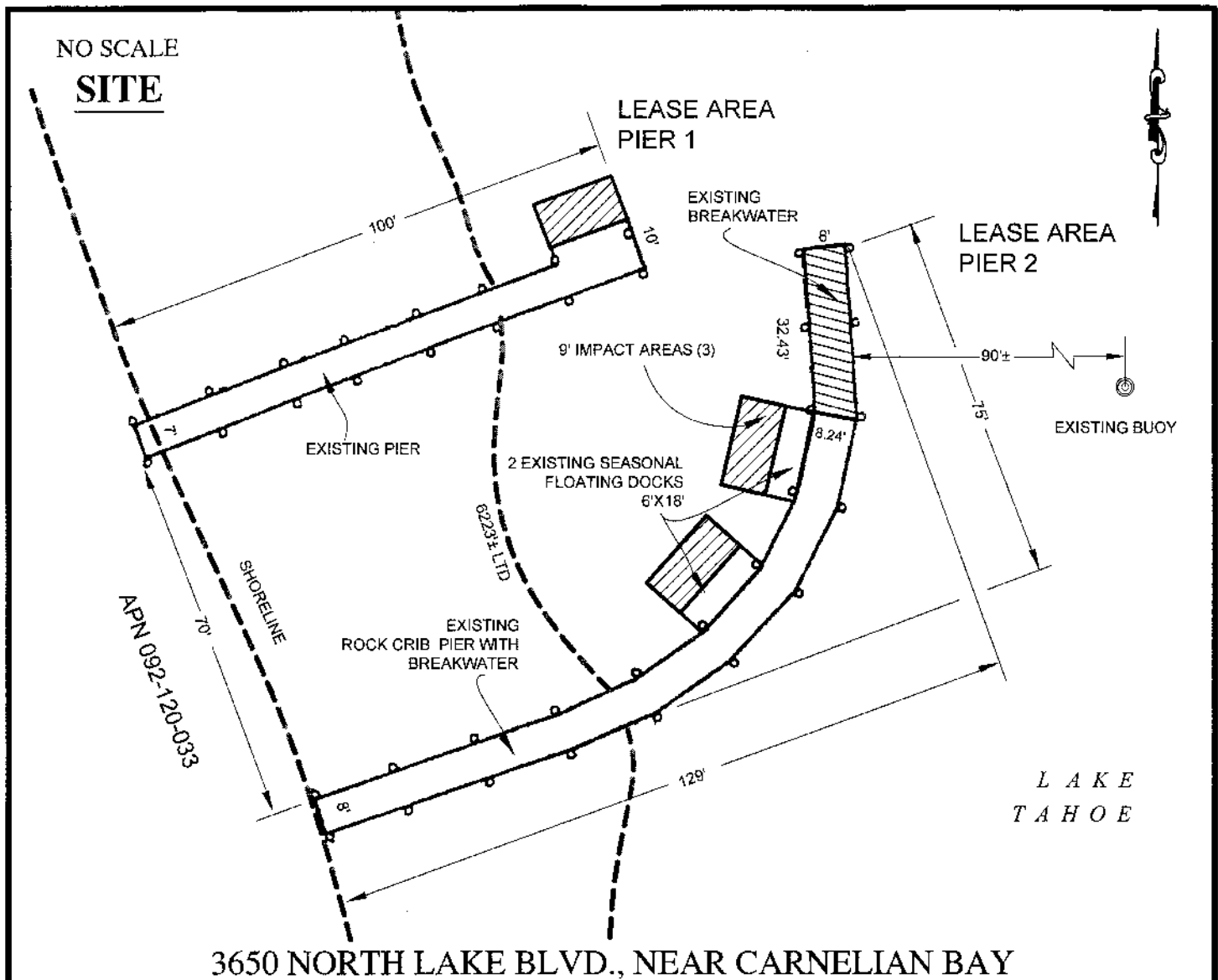
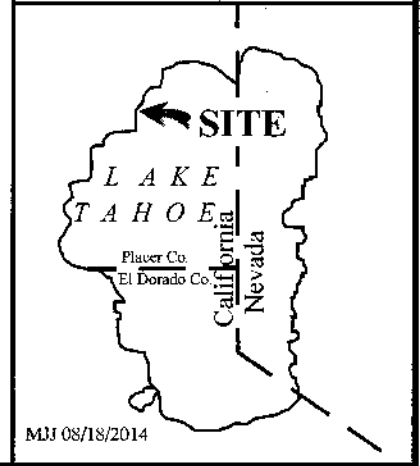


Exhibit B
 PRC 2289.1
 NASUS PARTNERSHIP
 APN 092-120-033
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.